



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MEMORANDUM

To: See Distribution
From: Kevin Christensen, P.E.
Construction Engineer
Date: October 7, 2008
Subject: Supplemental Specification Addition: 102.17, Public Works Contract

The Construction Administration Services Bureau is proposing an addition, Standard Specification 102.17, Public Works Contract, following the Standard Specification Revision Process outlined in the Construction Engineer's Memorandum dated May 2008. The following information is provided.

1. 102.17, Public Works Contract will be added.
2. The Proposed Draft of the change is attached along with this memorandum.
3. Revisions to the Standard Specifications are needed to properly define contractor's responsibilities and requirements.
4. Those impacted by the change include:
Construction, Contractors, EPM's
5. The following individuals were consulted and/or involved in developing the proposed revisions:
CAS, CES Bureau

*It is requested that written comments on **the proposed revisions only**, be returned to mdtspecifications@mt.gov no later than October 31, 2008.*

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102.17 PUBLIC WORKS CONTRACT

Department projects under these specifications are public works contracts. Projects under these specifications require Contractors to provide all resources necessary to complete the project, fully complying with its plans and specifications. They are not “sales”, nor are they sales of “goods”, as those terms are used in Montana’s Uniform Commercial Code (UCC). The UCC, particularly its Chapter 2, does not apply to these projects, and the contractor concurs with that by submitting its bid.